THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT APPEAL NO.2154 of 2005

21st November 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 24.06.2005 in W.P.NO.16390 OF 2002 on the file of the High Court.)

Between:

P. Ameer Khan, S/o. Subhakhan, R/o.H.No.17/163, Padma Veedhi, Challapalli, Krishna District,

...APPELLANT

AND

1 The Government of Andhra Pradesh, Rep. by its

Secretary, Department of Higher Education, Hyderabad.

2 The Director of Collegiate Education, Government of Andhra Pradesh, Nampally, Hyderabad,

3 The Secretary and Correspondent, Hindu College,

Machilipatnam, Krishna District.

...RESPONDENTS

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT APPEAL NO.2154 of 2005

JUDGMENT: (Per the Hon'ble Mr Justice B.Prakash Rao)

Heard both the sides.

At their request, the Writ Appeal itself is taken up for disposal.

The unsuccessful writ petitioner is the appellant herein, who seeks to assail the order dated 24.06.2005 in W.P.No.16390 of 2005, wherein he sought to assail the proceedings dated 10.08.2002 in Rc.No.1034/Admn.VI-I/2002 of the second respondent herein, removing him from service.

The crux of the contention urged on behalf of the appellant/writ petitioner is that the post is a direct recruitment post and further, having regard to the fact that the post has been ratified; he should be continued in service.

According to the respondents and as rightly held by the learned Single Judge, the post is not a direct recruitment post, but only a promotional post and

therefore, having found that the very appointment made by the respondents being illegal, the appellant has no right to claim the post.

Having heard on either side and on perusal of the material available on record, it is seen that the only contention is that the post is a direct recruitment post but no rule or regulation is brought to our notice to prove the same. As per the Rules concerned, it is only a promotional post and in view of the same, the appellant has no enforceable right to claim for the said post. Hence, there are no merits in the appeal.

Accordingly, the appeal is dismissed. No costs.

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(B.PRAKASH RAO, J)

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(DR G.YETHIRAJULU, J)

21st November 2005

RRB